

**Meeting Minutes for Fast Track Workgroup
September 23, 2003, 1:30 PM to 3:30 PM
IGCN, Conference Room D**

Attendance:

Bill Beranek (IEI), Bowden Quinn (WPCB), Patrick Bennett (IMA), and Neil Parke (Eli Lilly).

John Humes (Hoosier Energy) and Art Umble (Elkhart WWTP) via conference call.
IDEM representatives: Mary Ellen Gray, John Elliott, Dave Kallander, John Nixon, Lonnie Brumfield, and MaryAnn Stevens

Purpose of Workgroup

The purpose of this workgroup is to review the list of expedited rulemaking issues that the Triennial stakeholder workgroup identified and come to closure on the process for an expedited rulemaking. This list was identified by the Triennial stakeholder group to include changes based on best science, updates of existing rule language, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

Minutes

The minutes of the August 28, 2003 workgroup meeting were accepted by the workgroup members and will be placed on the fast track web site.

First Notice

The first notice was published in the Indiana Register on June 1, 2003, and the comment period ended July 30, 2003. Five comment letters were received during the comment period. Comments will be summarized and responses will be provided by IDEM staff. The "Response to Comments" document will be published in the Indiana Register with the draft rule at second notice.

Workgroup Discussion of Sulfates

The sulfates issue was discussed at this meeting in continuation of the discussion held on the subject at the previous meeting and at an additional meeting held on September 15, 2003. The positions of the parties remain unchanged so the workgroup agreed to the following statements:

- (1) The existing criteria of 250 mg/l was developed to apply at drinking water intakes and industrial water withdrawals;
- (2) There is research ongoing to develop aquatic life criteria;
- (3) EPA has concerns regarding studies done by Illinois; and
- (4) More studies are needed and may last six to twelve months.

The workgroup also established the following options as possible pathways for future resolution of the sulfate issue:

- (1) Use 250 mg/l as the criteria applicable at drinking water intakes and points of industrial water withdrawal and use the methodologies to develop aquatic life criteria when necessary;

- (2) Use 250 mg/l as the criteria applicable at drinking water intakes and points of industrial water withdrawal and select another number for the criteria applicable elsewhere; and
- (3) Make no rule changes during this rulemaking but include the sulfates issue in the next fast track rulemaking (second generation, part 2, name yet to be determined).

In addition to the foregoing, the following statements or thoughts were presented by workgroup members:

Bowden Quinn asked what is the economic impact of amending the existing water quality standards for sulfates.

Neil Parke referred to the AEP Rockport power plant that discharges to a zero low flow stream and now has a sulfate limit in its discharge permit. The plant will have to install treatment equipment, and he contends the expense is unjustified since aquatic life isn't harmed by the sulfates in the discharge.

Art Umble added that no municipalities have sulfate limits in their discharge permits.

Bill Beranek said IDEM is not uniformly including sulfate limits in permits.

Neil Parke stated that there were no comments during the GLI rulemaking against applying the 250 mg/l criterion only at drinking water intakes and industrial water withdrawals.

Dave Kallander disagreed with Neil and said the environmental community had significant comment on the sulfate issue.

Discussion of Dissolved Metals Translator (DMT)

DMT was discussed in the additional meeting held September 15, 2003 and again during this workgroup meeting. The issue of why dischargers would want to do reasonable potential using dissolved metals effluent data was discussed. Neil Parke and Art Umble discussed the situation for municipalities that have highest metals in their discharges after storm events. A DMT determined using data collected during periods when suspended solids in the stream are typically low might not provide an appropriate adjustment for discharges that occur during storm events. John Elliott noted that the reasonable potential rules for the Great Lakes system currently contain a provision that would give IDEM flexibility to do reasonable potential based on dissolved metals. Neil Parke's concern is that this provision does not require IDEM to do reasonable potential based on dissolved metals if the appropriate information is available. John Elliott agreed to work on a provision that would require IDEM to do reasonable potential based on dissolved metals if the appropriate information is available.

Discussion of the draft rule and status documents

Not much time remained in the meeting to discuss the draft rule.

In an effort to keep this rulemaking on a fast track, the date of December 1, 2003 has been targeted as the publication date of the draft rule at second notice in the Indiana Register. In order to accomplish this goal, the workgroup will need to make considerable progress in discussing the draft rule document and coming to conclusion on rule language before the end of October.

Bill Beranek asked John Elliott to include in his status document the comments that were received at first notice for each topic. John agreed to include a general statement under each topic about comments directed to rule issues.

The following rule areas were discussed:

1. 327 IAC 2-1-8.1(b) – addition of language similar to that in Michigan’s rules
2. Do we want to include 327 IAC 2-1.5-11(b) into the draft rule to match 327 IAC 2-1-8.1?
3. What to do about references such as to 40 CFR 136 that occur in our rules such as at 327 IAC 5-2-11.1(e)? John Nixon stated that the Attorney General has determined that even in the absence in the rule of a date linked to a reference material it is a given that the reference material in effect as of the effective date of the rule is what is required to be used unless our rule is amended.

Follow up issues

- Put the workgroup minutes of the August 28, 2003 meeting on the Fast Track web site.

Future Meeting Dates

The next meeting is scheduled for October 9, 2003, from 1:00 to 3:30 P.M. in the Office of Air Quality Training Room on the tenth floor of the Indiana Government Center North building.

Next Meeting issues

- Continue review of the draft rule and status documents.